

## Law Enforcement Response to Stalking

Deirdri A Fishel, Detective  
State College Police  
[dfishel@statecollegepa.us](mailto:dfishel@statecollegepa.us)  
814-234-7182

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## Stalking

- A foundational concept of stalking investigations is to remember that EVERY stalking case has the potential to escalate
- Marisol audio

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## What does stalking look like?

- Vandalism
- Following
- Text messages
- Voicemails
- Emails/IM
- Blogging

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### What does stalking sound like?

- I love you
- I miss you
- Please be with me
- You bitch
- I hate you
- I'll kill you

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### What does stalking feel like?

- Annoying
- Harassing
- Scary
- Fearful
- Angry
- In order to find out how the behaviors are affecting your victim—ask them!!

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### Start at the beginning:

- The Role of Dispatch
- Stalking Incidents- Questions to determine risk
- Dispatch priority
- Check for previous reported incidents and protection orders
- Records retention

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## On Scene

The initial step in the investigation is to determine whether:

- A criminal stalking event has actually occurred, or
  - The incident might be a precursor to a stalking case, or
  - The incident is a continuation of prior occurrences that amount to a stalking situation.
- » Keep in mind that it is not uncommon for a victim to tolerate harassing behavior for some time

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## On Scene

**Identify the Stalker:** The officer must identify the stalker. In most cases, the stalker will be known to the victim as an ex-spouse, ex-boyfriend, co-worker, former friend, or acquaintance.

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## BEST PRACTICE

**Victim Safety:** It is important to account for victim safety as part of the **preliminary investigation**. Officers should candidly advise stalking victims that they and their agencies cannot realistically guarantee the victim's safety. The victim must be advised about the importance of safety, planning and that he/she will need to take a proactive stance for their own safety, within the extent of their resources. Victims should be referred to victim services agencies for guidance on safety planning.

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### **Be sensitive to cultural differences**

- Victims of stalking come in all races, religions, socio-economic backgrounds and sexual orientation
- Victims often "negotiate" with their stalkers; work through this challenge with empathy

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## **The Stalking Investigation:**

### **Assessment and Corroboration**

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### **Assessment - Impact on the Victim**

Determine how the stalker's conduct is impacting the victim's life and daily activities. If the victim is genuinely in fear of the suspect, this can be an important element in sustaining probable cause for an arrest and a later conviction for stalking. The following information should be obtained:

- How has the victim reacted to these harassment activities?
- Has victim taken any steps to modify her/his lifestyle as a result of the suspect's conduct?

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### Assessment - Learning About the Stalker

The officer should attempt to learn as much as possible about the stalker suspect.

Personal data including:

- name
- address
- DOB
- prior criminal record
- prior protection orders

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### Learning About the Stalker

- Prior threats/violence with the complainant/prior victims
- Any prior stalking behaviors
- Criminal history check on any outstanding warrants
- Mental illness or mental instability history
- Drug or alcohol abuse

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### Learning About the Stalker

- Access to or possession of firearms
- Any homicidal or suicidal tendencies
- Presence of any social inhibitors, i.e. any factors that might inhibit the suspect from engaging in violent behavior, such as family, social position, job, etc.;
- Proximity to any significant dates, such as anniversaries, birthdays, relationship break-ups, court hearings, etc.

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### Assessment - Explore Stalker's Pattern of Behavior

- What is he doing?
- How frequently is he doing it?

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### Stalker's Pattern of Behavior

- What other suspicious or related incidents or activities have occurred?
  - Is there a history of violence against victim?
  - Has the suspect made prior threats? If so, what was said?
  - Has the suspect been in actual pursuit of victim?
- Did the victim make any complaints through 911?
- Were police reports made on these prior incidents?

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### Stalker's Pattern of Behavior

- What is the length of time the suspect has been directing his or her activities toward the victim?
- Who else has the suspect acted out against, i.e. victim's family, friends, or co-workers?
- Does victim have a PFA? Has the suspect violated a PFA? If so, was the violation reported to the police?
- **Has victim previously told suspect to stop the unwanted contact or conduct?**
- Are there other known victims of suspect's stalking behavior?

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### **Assessment - Gathering Intelligence**

- perpetrator's tendency towards emotional outbursts or rage
- prior mental illness history
- substance abuse problems
- possession or knowledge of or fascination with weapons
- a history of PFA violations
- annoying phone calls

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### **Assessment - Gathering Intelligence**

- unsolicited phone calls
- unsolicited e-mail or correspondence
- threats of murder or suicide
- acts of vandalism or arson
- is the victim in fear
- does victim have any taped phone messages
- does victim have any objects sent by the stalker

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### **The Stalking Investigation: Corroboration**

How am I gonna prove this is happening?

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### **Start at the beginning**

- Be prepared for a confusing recounting of incidents--out of order and with mixed details
- The victim has most likely been experiencing a lot of anxiety and stress and will tell you events in the order that she thinks of them based on the emotion or stress each event triggers

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### **Corroboration**

- What can I find to corroborate her report?
- Where can I look for that information?
- Rule of credibility—if I can corroborate SOME of what she is reporting the jury will be instructed that they may give ALL of her testimony credibility—the more you corroborate the stronger the case

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### **Start at the beginning**

- Ask the victim for a stalking log outlining the ongoing behaviors
  - This will help organize the incidents into chronological order
- Identify areas to search for evidence
  - Phone logs
  - Email accounts
  - Social networking sites (Facebook, Myspace, Twitter)

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### **Stalking logs**

- Will be part of discovery in the case
- Caution on emotional impact element

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### **Working with prosecution**

- Develop a relationship with your prosecutor and keep them informed of trends in stalking in your area
- Ask what the prosecutor needs for best evidence in your community
- DON'T assume your prosecutor understands what you understand about the case
  - They weren't there, they didn't hear or see it

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### **Preparing case/supporting evidence**

- Collect the EASY evidence first then move to the more elaborate evidence
- Don't be blinded by the forest

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## Basic Evidence

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## Sources of Evidence

- Witnesses
- Police
- Victim

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## Witness evidence

Who might be able to offer any additional information or otherwise corroborate any aspect of the incident in question and/or the on-going stalking situation

- family
- friends
- co-workers
- neighbors
- others

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### **Police Evidence**

- Use search warrants for suspect's residence, vehicle and workplace
- Photograph any evidentiary items vandalized, damaged, or written on, such as walls, vehicles, etc., and process for fingerprints
- Collect any physical evidence such as items left for the victim, correspondence, etc.

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### **Physical evidence to identify on search warrants**

- Any photos of victim (may have words/drawing on them)
- Photographs, diagrams or drawings of victim's home or workplace
- Writings, journals or diaries of suspect that describe his activities and thoughts/fantasies of victim
- Books describing stalking techniques or having subject matter of stalking violence or harassment

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### **Physical evidence to identify on search warrants**

- Keys that fit house or vehicle of victim
- Any equipment that appears to have been used to stalk victim (cameras, binoculars, video recorders, computers, fax machines)
- video or still photos of suspect
- security videos

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## Telephone court orders

Many stalkers will use telephones and cellular telephones to maintain constant contact with their victims

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## Landline phones

- Caller ID boxes
- Voicemails (micro cassette or digital)
- Phone bills
- Calling cards

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## Cellular telephones

- Missed calls
- Voicemails
- Text messages
- Spoofing

Victim can get records online  
Court order to get suspect records

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### **Voicemails**

- In the suspects own voice
- Powerful best evidence for court
- Stalkers will tell the victim what they are going to do
- Stalkers will leave messages telling the victims what they are doing
- I'm your best friend audio
- Darian/Jason audio

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### **Text messages**

- Can be spoofed
- CAN be best evidence with supporting documentation

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### **Don't forget call logs**

- Incoming and outgoing
- Missed calls will normally NOT show up on a phone record
- Photo the missed calls log AS WELL AS the matching contacts entry

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### Telephone evidence

- NEEDS CORROBORATION
  - Phone bill from victim
  - Court order from phone company

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### Internet and Stalking Investigations

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### Common Internet Activities

- Email communications
  - Yahoo
  - Gmail
  - Outlook
  - Hotmail
- Each email provider uses similar entry to the internet and follows similar paths to deliver messages

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## Common Internet Activities

- Social networking sites
  - Facebook
  - Myspace
  - Twitter

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## Common Internet Activities

- Social networking sites
  - Facebook
  - Twitter
  - Myspace
- GPS tracking, mapping
  - [www.mapquest.com](http://www.mapquest.com)
  - [www.maps.yahoo.com](http://www.maps.yahoo.com)
- Email accounts
- Google earth

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## Internet Service Providers

- The internet is accessed via portals (internet protocol addresses) that you acquire through Internet Service Providers
- In order to track who is doing what on any given internet post you have to find out who was using that portal at that specific date and time

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## Internet Service Providers

- Are assigned Internet Protocol (IP) addresses to access the internet
- IP addresses- are a string of numbers and dots (ex. 68.101.357)
- Different internet service providers have blocks of numbers in a range which they then control

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## Internet Service Providers

- [www.search.org](http://www.search.org)
- Provides a searchable list of service providers in alphabetical order
- Provides the contact information for service of court orders

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If ISP is the end?  
Where do we start?



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## Email Tracing

- In order to determine the sender of an email, an investigator needs the email's header information.
- An email header is the information added to the beginning/top of the electronic message.
- By default, email clients and services only show an abbreviated form of the header.

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## Email Tracing

The complete email header is a record of:

- Who sent the email.
- Which network it originated from.
- Which email servers processed it.
- Miscellaneous information:
  - Timestamps
  - Email client
  - Encoding information, etc.

Some of it is useful for tracing email, some of it is not.

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## Expanding Headers

- Are different for different email providers
- Look for the "options" or "actions" buttons
  - Click on options or actions and look for view options or header options
- Sometimes there is a button called "full header" right on the email view

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## Stuck for expanding a header?

- Go to google and search "how do I view full headers in....{yahoo}{gmail}{outlook}, etc
- [www.google.com](http://www.google.com)

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## Read from the bottom up...

Start at the bottom of the email header and read up until you find the first IP address



Received: from [12.10.116.2] by web113110.mail.gq1.yahoo.com via HTTP; Thu, 24 Sep 2009 12:13:42 PDT  
X-Mailer: YahooMailRC/157.18 YahooMailWebService/o.7.347.2  
Date: Thu, 24 Sep 2009 12:13:42 -0700 (PDT)  
From: Creepy Stalker <creepy\_stalkerguy@yahoo.com>  
Subject: do you think i am kidding?  
To: stalking.victim@yahoo.com

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## Find the ISP

- Who owns this address?



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## Find the ISP

- IP addresses are assigned to providers
- Use search engines to find the owner of the address

-[www.samspace.org](http://www.samspace.org)

-[www.dnsstuff.com](http://www.dnsstuff.com)

-[www.arin.net](http://www.arin.net)

-[www.geektools.com](http://www.geektools.com)

Go to one of these sites and choose the "who is" function or similar search

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## Working with IP addresses

- Plug in the IP address you found in the header
- Search engine will provide the name and address of the Internet Provider
- Use this information for your court order

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## Look it up in a search engine!

- [www.yahoo.com](http://www.yahoo.com) --- find the IP address on the email
- [www.geektools.com](http://www.geektools.com) --- look up the IP address to see who owns it
- [www.ip2location.com](http://www.ip2location.com) ---check for a location for the IP address (this is nice corroboration!)
- [www.search.com](http://www.search.com) --- send the court order

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### Similarly...

- ...you can determine who was using a specific website at a specific time by securing a court order for release of IP addresses
- [www.facebook.com](http://www.facebook.com)
- [www.vloggerheads.com](http://www.vloggerheads.com)

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### You will need

- A specific web address
- A time or time range

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### Examples of website court orders..

- Victim had her facebook account hijacked and we were able to locate all IP addresses who had accessed the account after the victim no longer had access
- Victim had harassing vlogs posted about her on the internet, we were able to locate the IP address for who created the vlog account

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### Things to remember

- In order to link specific online activity to a person, you need to follow their trail
- Start at the end and work backwards...where was the item BEFORE my victim got it> which internet provider did it come through
- Where was it before that>who used that IP address at that time to access the internet

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### Obstacles in your path

- Some stalkers will go through wifi services which are harder to trace (you may need to followup at the location to see if there is video or if the staff recalls the person)
- Some stalkers will use IP anonymizers which are rarely if ever traceable...you will need to pursue other investigative options more vigilantly

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### Remember...

- Internet and computer evidence is only one more PIECE of the evidence trail
- Our best hope of catching a stalker is to employ all our resources....

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## Video Surveillance

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### Video Surveillance- WHY?

- Video surveillance is a cheaper option than physical surveillance
- Excellent evidence
- Easy to use – new systems can be installed by anyone

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### Video Surveillance- WHY?

- Dept. had been using video in other investigations and having success
- Working an ongoing stalking case in which ex-boyfriend strongly suspected in numerous incidents
- No hard evidence to prove his involvement

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### Video Surveillance- WHY?

- Single female – mother of 8 year old son
- Over a 21 month period there were more than 9 incidents **reported** to police
- 3 police departments involved
- Always suspected – never proven responsible

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### Video Surveillance- WHY?

- Victim had 3 Protection From Abuse (PFA) initiated and revoked by her over this time
- Hundreds of phone calls from suspect
- Dozens of incidents of criminal mischief – harassment – stalking that went unreported

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### Video Surveillance- WHY?

- Def. did 45 days in jail
- Plead due to video surveillance
- No problems since
- Supported victims suspicions – gave her ability to rest when cameras in place

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### Video Surveillance- HOW?

- 3 methods to get started
- **In house** – borrow equipment within
- **Purchase** – about \$700 gets you up and running
- **RISS** – Regional Information Sharing Systems

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### Video Surveillance- HOW?

- **IN HOUSE** : Borrow from drug unit – intelligence unit etc
- Borrow from county or state level agencies
- Possibly rent from local private detective agency

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### Video Surveillance- HOW?

- **PURCHASE** : \$700 will allow purchase of basic equipment to install one (1) camera
- Allows you to use repeatedly – numerous cases
- Video is simple to install – temporary – portable

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### Video Surveillance- HOW?

- Basic needed equipment – approx. \$700
- Power supply \$15
- Power strip \$10
- Camera (IR weatherproof) \$120
- Recorder (DVR-4 camera) \$370
- Power/video cable (100 ft) \$25
- Camera mount \$15
- Monitor (7 inch) \$150

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### Video Surveillance- HOW?

- Sell it to your staff....
- \$700 gets you permanent equipment to be used for YEARS – no limit on cases
- Equals about 14 hours of Overtime for veteran officer
- Does not blink – sleep – use latrine

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### Video Surveillance- HOW?

- Regional Information Sharing Systems (RISS)
- RISS membership cost per year \$400 tops
- Six (6) regional agencies nationwide
- Numerous support opportunities within
- FREE equipment loans
- Top of the line – newest technology available

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### Video Surveillance- USE

- Determine possible installation sites through:
- Monitoring of ongoing incidents
- Reported threats to victim
- Known stressors like hearings, arrests, anniversaries

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### Video Surveillance- USE

- Victims reported college aged male looking in their windows
- Four (4) college women living in home – located on dark alley
- Happened more than once – camera installed

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### Video Surveillance- INSTALL

- Sight survey (day before install)
- Talk to victim
- Find past patterns
- Game plan for how to set up
- Equipment needed (ladder/drill/concealment)
- Time needed
- How many will assist (2 is best)

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### Video Surveillance- INSTALL

- Target area where past problems occurred
- Can one camera handle problem areas
- Inside or outside installation?
- Install when least likely to be noticed
- Tell victim to NOT talk about cameras

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### Video Surveillance- CONCEALMENT

- Do your best to hide the camera
- Not always necessary to hide – simply out of eye level of suspect
- Once on video he is caught – if he sees camera he is ALREADY caught...

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### Video Surveillance- CONCEALMENT

- This is an example of camera installed above eye level
- Suspect sees the camera – too late
- Remember suspect will NOT be thinking a camera is installed

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### Video Surveillance- CONCEALMENT

- Defendant caught on tape 3<sup>rd</sup> time
- 2 years state prison- recently released
- Actually looks at one camera –does not recognize as camera
- Minutes later finds other camera

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### Video Surveillance- INSTALL

- Typical installation
- 2-3 cameras
- One DVR recorder
- Average time to install – ½ hour to 2 days

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### Video Surveillance- MONITOR

- Check system next day to ensure area is covered in darkness also
- Walk through area at night to ensure coverage
- Set record to "Motion Detection"
- Have victim immediately notify you if problems
- Notify cops of camera location

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### Video Surveillance- permanent cameras already in place

- Don't forget to check video surveillance systems already in place
- Banks – Schools – Apartment buildings – store surveillance cameras
- City cameras – red light cameras

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### Video Surveillance- TIPS

- Once you get a camera – practice set up
- No camera can catch criminals while in the equipment room
- Most installations DO NOT result in arrests
- ALL result in better contacts with victims

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### Video Surveillance- TIPS

- Go simple at first
- Borrow equipment if you can – purchase if you can show it's needed
- Bring arrests to attention of staff – more support with new purchases
- Help other agencies

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### Video Surveillance- TIPS

- Sometimes video surveillance can prove to a victim that something suspicious is really not that bad..
- Family had burglary years ago, teenage daughter home, ongoing issues of lights being turned out, cardboard being placed on fence...they assumed the worst.....

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### Video Surveillance- TIPS

- Patience.....
- And sometimes luck is on your side...

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### Follow the evidence

- Start with the easiest
- Capture it before it is gone (phone in the toilet!)
- Preserve evidence that is held in another location (phone company, computer companies)
- Go after the hidden
- Use your resources---don't re-invent the wheel a lot of cases already employ these techniques!

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### Stalking Investigations...

- Remember the stalker is employing many hours in the efforts to stalk...cops normally work 8 hours shifts...so we have some catching up to do
- The more methods the stalker employs to stalk, the more methods you need to employ to catch them!

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### Coordinated Response to Stalking Policy and Procedure

- Invite partners to the table to develop policy
- LE, Prosecution, Victim Services, 911 dispatching
- Sample policy in your packets

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